



Federal Communications Commission  
Washington, D.C. 20554

**DA 07-3816**  
September 6, 2007  
1800E3-JLB

Paxson Albany License, Inc.  
c/o Scott S. Patrick, Esq.  
Dow Lohnes PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802

Re: WYPX(TV), Amsterdam, New York  
Facility ID No. 13933

Dear Licensee:

On April 12, 2007, Paxson Albany Licensee, Inc. ("ION"), licensee of WYPX(TV), analog channel 55 and WYPX-DT, digital channel 50, Amsterdam, New York, filed a letter requesting Commission authority to: (i) cease analog broadcasting on NTSC channel 55 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate WYPX-DT as a single channel, digital-only television station on DTV channel 50. ION's proposal appeared on public notice on May 30, 2007.<sup>1</sup>

In its Report and Order in GN Docket No. 01-74, the Commission adopted the reallocation of the 698-746 MHz Spectrum Band (television channels 52-59) from use by television broadcasters to new use on a flexible basis.<sup>2</sup> The Commission also stated that it would consider requests by incumbent broadcasters on channels 52-59 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis, considering all relevant public interest factors.<sup>3</sup>

In support of its request to voluntarily vacate NTSC channel 55, ION states that WYPX(TV) is not among the "top four" stations in the Albany-Schenectady-Troy, New York DMA. While WYPX(TV) is the sole analog station licensed to Amsterdam, the entire population within that station's Grade B contour will continue to receive service from between nine and 19 other analog and digital television stations, and more than 99% of the population will continue to receive service from five or more analog

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<sup>1</sup> See *Media Bureau Receives Request by Analog Television Station in the Lower 700 MHz Band to Cease Analog Broadcasting, Surrender NTSC License, and Operate as a Single Channel, Digital-Only Television Station*, DA 07-2238 (May 30, 2007).

<sup>2</sup> *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 17 FCC Rcd 1022 (2002).

<sup>3</sup> *Id.* at 1096. The Commission identified a number of relevant factors, including whether the grant of the request would make new or expanded wireless services available to consumers or deploy wireless service to underserved areas, or whether grant would result in the loss of any of the four stations in the DMA with the largest audience share, the loss of sole service licensed to the local community, or the loss of a community's sole noncommercial educational television service. The Commission will also consider whether a grant would have a negative impact on the pace of the DTV transition in that market. *Id.* at n.549.

stations.<sup>4</sup> ION further asserts that grant of its request will make new or expanded wireless services available to consumers and submits a letter from QUALCOMM Incorporated, stating that grant of ION's request will allow MediaFLO USA, Inc., a wholly-owned subsidiary of QUALCOMM, to deploy and operate a network to offer a "mediacast" service to deliver many channels of multimedia content to third generation wireless phones.

Based upon the foregoing, we believe the public interest would be served by permitting ION to surrender its license for NTSC channel 55, Amsterdam, New York and operate as a digital-only station on channel 50. Accordingly, ION's request IS GRANTED. Prior to discontinuing analog service and surrendering its NTSC license, we expect ION to supply all cable systems carrying its digital signal with the conversion equipment necessary to convert WYPX-DT's signal to an analog signal.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>4</sup> According to ION, slightly less than 6,500 persons will continue to receive service from only four analog stations.